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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/641,553

Applicant(s)

WANG ET AL.

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7,8,10,13 and 18-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7,8,10,13 and 18-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**RESPONSE TO AMENDMENT**

1. Claims 7-8, 10, 13, and 18-31 remain for further examination.

**The old rejection maintained**

2. Applicant's arguments with respect to claims 7-8, 10, 13, and 18-31 filed on May 11, 2005 have been fully considered but they are not deemed to be persuasive for the claims 7-8, 10, 13, and 18-31. The rejection is respectfully maintained as set forth in the last Office Action mailed on January 26, 2005.

**Claim Rejections - 35 USC § 102(e)**

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 7-8, 20-21, 25-26, 28, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Margulis et al (U.S. Patent No. 6,223,149).
5. Margulis teaches the invention as claimed including a redundant organization of Lan Emulation Servers (see abstract).

6. As to claim 7, Margulis teaches a distributed system including a plurality of redundant components, a method for performance by a node first redundant component (figure 3), comprising: transmitting information particular to the first component to other components in the plurality of components, the information relating to one or more criteria according to which a currently-active leader component is to be determined (figure 4; and column 7 line 65 to column 8 line 14, LESS initializes by attempting to establish connections to all LES, one of the LES is made the active); receiving information from the other components particular to the other components and relating to the one or more criteria by according to which the currently-active leader node component is to be determined (column 8 lines 15-37; and column 9 lines 15-24, each LES having one or more LECS connected to it periodically sends an active LEC message informing them that at least one LECS has chosen it to be the active LES); and determining whether the first participant is the currently-active leader component by comparing the information particular to the first component with the information particular to the other components (column 8 lines 15-37, the LES is periodically contacted to confirm that it is the currently active LES), wherein if the first component determines that it is not the currently-active leader component the first component does not know which component of the other components is the currently-active leader component (columns 7-9, Margulis discloses that the LES does not know which other LES is currently active leader component).

7. As to claim 8, Margulis teaches that the periodically repeating the method (column 8 lines 15-37; and column 9 lines 15-24).

8. Claims 20-21 do not teach or define any new limitations beside above claims 7-8; therefore, the claims 20-21 are also rejected for the same reasons set forth to rejecting claims 7-8 above.

9. As to claims 25-26, 29, and 31, Margulis teaches the method of claim 20 above wherein the redundant components are redundant instances of a daemon, wherein the daemon is a system management daemon, wherein the redundant components are redundant executing processes, and wherein the redundant components are redundant nodes in a network (columns 7-9).

**Claim Rejections - 35 USC § 103(a)**

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 10, 13, 18-19, 22-24, 27, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis et al (U.S. Patent No. 6,223,149).

12. Margulis teaches the invention substantially as claimed including a redundant organization of Lan Emulation Servers (see abstract).

13. As to claim 10, Margulis teaches that the transmitting the information particular to the first component comprises transmitting priority information particular to the first component, and the receiving the information particular to the other components comprises receiving priority information particular to the other components (column 8 line 49 to column 9 line 45, Margulis discloses that upon a split or re-synch, the node with the highest priority or the node with which a connection was up last is chosen). Margulis fails to teach the claimed limitation of age information. Margulis does teach that the node with which the connection was longest is chosen as the currently active component (column 8 line 49 to column 9 line 45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Margulis by specifying the priority information as age information since the same functionality of choosing the node with the longest recent connection is achieved.

14. As to claim 13, Margulis teaches a system comprising: a plurality of redundant components; and the currently active leader component elected from the plurality of redundant components by way of a high priority election approach (columns 7-11). Margulis does not explicitly teach the limitation of a weak leader election approach. Margulis does teach that the node with which the connection was longest is chosen as the currently active component (column 8 line 49 to column 9 line 45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Margulis by specifying the priority election approach as a weak leader election

approach since the same functionality of choosing the node with the longest recent connection or highest priority is achieved.

15. As to claim 18, Margulis teaches that the determining whether the first component is the currently active leader component comprises determining whether the first component is an oldest component (column 8 line 49 to column 9 line 45).

16. As to claim 19, Margulis teaches that the currently active leader component elected by way of the weak leader election approach comprises an oldest component in the plurality of components (column 8 line 66 to column 9 line 45).

17. Claims 22-24 do not teach or define any new limitations beside above claims 10, 13, and 18-19; therefore, the claims 22-24 are also rejected for the same reasons set forth to rejecting claims 10, 13, and 18-19 above.

18. As to claims 27 and 29-30, Margulis teaches the method of claim 25. Margulis fails to teach the limitation wherein the daemon is a power line monitoring daemon, wherein the redundant components are class objects, wherein the redundant components are redundant devices in an automation system.

However, "Official Notice" is taken that the concept and advantages of using daemon processes or agent processes to monitor a power line, wherein the redundant

components are class objects, wherein the redundant components are redundant devices in an automation system are old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Margulis by specifying a power line monitoring daemon, class objects, wherein the redundant components are redundant devices in an automation system to provide back up in case of network failure.

### **Response to Arguments**

19. Applicant's arguments with respect to claims 7-8, 10, 13, and 18-31 filed on May 11, 2005 have been fully considered but they are not deemed to be persuasive for the claims 7-8, 10, 13, and 18-31.

20. In the remarks, the applicant argues that:

**(A) Argument:** The first component recited in claim 7 is not taught or suggest by Margulis.

**Response:** The combination of LECS and LES explicitly teaches and suggests the first component performing the steps of: transmitting, receiving, and determining (figures 3-6; and columns 7-9).

Margulis discloses that the LES does not know which other LES is currently active leader component (columns 7-9), which implies that the first component does not know which component of the other components is the currently-active leader component.



**(B) Argument:** Margulis does not teach exchanging the currently active leader election criteria information.

**Response:** Margulis explicitly teaches the step of exchanging the currently active leader election criteria information (priority information) (figures 3-4; and column 7 line 10 to column 8 line 37).

**(C) Argument:** Margulis does not teach choosing the next active leader via age information and weak leader election approach.

**Response:** Margulis explicitly teaches that the node with which the connection was longest is chosen as the currently active component (column 8 line 49 to column 9 line 45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Margulis by specifying the priority information as age information or as a weak leader election approach since the same functionality of choosing the node with the longest recent connection or highest priority is achieved.

**(D) Argument:** Additionally, Applicant respectfully disagrees that the concepts and advantages of using daemon processes or agent processes to monitor a power line would have been obvious to one of ordinary skill in the art.

**Response:** "Official Notice" is taken that the concept and advantages of using daemon processes or agent processes to monitor a power line, wherein the redundant components are class objects, wherein the redundant components are redundant devices in an automation system are old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Margulis by specifying a power line monitoring daemon, class objects, wherein the redundant components are redundant devices in an automation system to provide back up in case of network failure. For suggestion see column 1 lines 53-56, column 2 lines 2-4; and column 8 line 66 to column 9 line 49).

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**Contact Information**

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

Art Unit 2155

August 05, 2005

*Bharat Barot.*  
**BHARAT BAROT  
PRIMARY EXAMINER**